

**STATE OF MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of
Emily Stripling-Huna
Applicant

STIPULATION AND ORDER

I. INTRODUCTION

1. Emily Stripling-Huna ("Respondent") and the Minnesota Board of Marriage and Family Therapy Complaint Panel ("Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

2. The Board of Marriage and Family Therapy ("Board") received a complaint against Emily Stripling-Huna ("Respondent"). The Board's Complaint Panel ("Panel") reviewed the complaint and referred the matter to the Attorney General's Office for investigation. Following the investigation, the parties agreed to resolve the matter by this stipulation and order.

II. BACKGROUND AND JURISDICTION

3. On September 12, 2013, Respondent and her attorney, Jean Hoppe, Geraghty, O'Loughlin, and Kenney, P.A., appeared before the Panel, composed of Board Members Dennis Morrow and Herb Grant, to discuss allegations contained in a Notice of Conference dated July 31, 2013. Jennifer Coates, Assistant Attorney General, represented the Panel at the conference.

4. The Minnesota Board of Marriage and Family Therapy ("Board") is authorized pursuant to Minnesota Statutes chapter 148B to license and regulate Marriage and Family Therapists and applicants to the Board, to refer complaints against Marriage and Family Therapists to the Attorney General for investigation, and to take disciplinary action when appropriate.

5. Respondent is an applicant to the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Respondent applied for licensure with the Board on July 8, 2009. By letter dated July 20, 2009, the Board approved Respondent to sit for the national examination in Marriage and Family Therapy.

6. On April 8, 2013, the Board recommended that Respondent's application for licensure be denied pursuant to Minn. Stat. § 148B.37.

7. Respondent requested a conference with the Panel.

III. FACTS

8. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. Respondent is currently employed as a psychotherapist and mental health practitioner at a clinic in New Brighton, Minnesota.

b. Pursuant to Minn. R. 5300.0130 (2012), Respondent has not completed the requirements for licensure as a Marriage and Family Therapist. Consequently, Respondent is not currently a licensed Marriage and Family Therapist.

c. On November 7, 2012, Respondent posted an advertisement on Craigslist Minneapolis (the "Posting") stating that she was a Marriage and Family Therapist in Saint Paul and had been practicing for approximately six years.

d. In the Posting, Respondent sought to barter therapeutic services for a wide variety of goods and services.

e. Specifically, Respondent listed over 35 specific goods and services for which she would be willing to barter, including: Dog Grooming and Walking Services; Hair Care and Salon Services; Chiropractic Care; Massage Therapy; Light Housekeeping; Tattoo and

Piercing Services; Interior Design; Yoga or other Relaxation Instruction; a Sleep Number Bed; Home Furnishings; Betsey Johnson Goods; Jewelry; Coach, Dooney and/or Bourke Purses; Victoria's Secret "Pink" Clothing; Coach and Bebe sunglasses; and Monet Artwork.

f. Although Respondent shared personal information about herself in the Posting, including dates and plans for upcoming surgery, the posting was a "blind" ad with no personal contact information regarding Respondent, other than Respondent's first name.

g. Despite the Posting, Respondent denies and there is no evidence that she ever bartered any services with anyone at any time, nor did she ever accept any gifts from potential clients. She received one response to the Posting, but she did not respond to it.

IV. LAWS

8. Respondent admits that the conduct described in section III. constitutes a violation of Minn. R. 5300.0350, subp. 4(A), (J), (N), (O), (S), subp. 5(B) and (D) (2012). Respondent further admits that the conduct and these violations justify the disciplinary action described in section V below.

V. DISCIPLINARY ACTION

9. The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

a. The Board hereby REPRIMANDS Respondent. Further, Respondent maintains her status as an applicant for licensure, so long as she complies with the following conditions:

b. ***Ethics Course.***

- i. Within 18 months of the date of this Order, Respondent shall enroll, attend, and complete a Board approved Ethics Course (the "Course").
- ii. The Course must be a 3-Credit, Graduate Level Course taught as part of an accredited Marriage and Family Therapy Program.
- iii. Respondent must receive a passing grade in the Course to satisfy the Course condition. A passing grade is a Pass on a Pass/Fail scale, a C or above on an A-F scale, or any equivalent thereof.
- iv. To secure approval of the Course, Respondent shall submit to the Board an official course description, as well as, the instructor's name and applicable credentials. The Board may also require a syllabus that includes the course's goals, objectives, assignments, projects, methods, and frequency of evaluation, as well as, any additional information required to evaluate the course for approval.
- v. Respondent must provide the Board with written documentation from the Course instructor that confirms successful completion of the Course.
- vi. All fees for the course shall be paid by the Respondent.

c. ***Report on Ethics Course from Respondent.*** Within 30 days of completing the Course, Respondent shall submit a written report to the Complaint Panel which provides and/or addresses the following:

- a) The dates Respondent began and completed the Course;

b) A brief statement of the topics covered in the Course;

c) A detailed discussion of what Respondent has learned from the Course, including Respondent's comprehension and knowledge of ethical issues, as well as various ethical issues encountered in practice, and how this course will affect her practice in the future;

- d) A detailed discussion of the violations that occurred, including:
- (1) How Respondent came to violate professional ethical standards;
 - (2) The manner in which Respondent violated these ethical standards;
 - (3) The specific harm to each individual that resulted, and the potential harm to other individuals that could have resulted from Respondent's conduct;
 - (4) How Respondent now believes the violations could have been averted;
 - (5) A detailed discussion of the specific ways this course may affect Respondent's practice if she is granted unconditional licensure;
 - (6) Respondent's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and
 - (7) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

d. ***Report on Ethics Course From Instructor.*** Within 60 days of completing the ethics course referenced above, Respondent shall cause to be submitted to the Complaint Panel a report from the instructor of the ethics course. This report shall address:

- a) The extent of Respondent's participation in the course; and
- b) The instructor's assessment of Respondent's knowledge obtained from the course, comprehension of the material issues, and opinion as to Respondent's ethical fitness to engage in the practice of marriage and family therapy.

e. ***Board-Approved Supervision.***

- i. Respondent must obtain a Board approved supervisor to provide supervision of Respondent's clinical ability and awareness of ethical responsibilities. Respondent's supervisor must be approved in advance by the Review Panel.
- ii. Supervision must be at a rate of no less than one hour of individual supervision for every five hours of client contact.
- iii. Supervision will continue for no less than 18 months from the date of this Order and must remain in place so long as Respondent is an Applicant of the Board and until such time as Respondent is independently licensed as a Marriage and Family Therapist by the Board.
- iv. Every 6 months following approval by the Review Panel of Respondent's Board approved supervisor, the Board approved supervisor must file reports with the Board. Each report shall provide and/or address the following:

1. (In the first report only) Evidence Respondent's supervisor has received and reviewed a copy of this Stipulation and consent Order;
2. Dates on which supervision took place with Respondent;
3. The method by which supervision was conducted;
4. A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;
5. The supervisor's opinion as to Respondent's ability to provide competent services; and
6. Any other information the supervisor believes would assist the Board in its review of Respondent's application for licensure.

10. It is Respondent's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States mail, courier, or personal delivery only.

VI. CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

Noncompliance With Requirements

- a. If the Review Panel has probable cause to believe Respondent has failed to comply with or has violated any of the requirements as outlined above, the Review Panel may

automatically order denial of Respondent's Application for Licensure. The Denial shall take effect upon service of an Order of Denial of Application for Licensure ("Order of Denial"). Respondent agrees that the Review Panel is authorized to issue an Order of Denial, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in this section. The Order of Denial shall confirm the Review Panel has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements to maintain applicant status. Respondent further agrees an Order of Denial issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act.

11. Respondent may contest the denial pursuant to the following procedure:

b. Respondent shall request a hearing within 14 days of receiving the Order of Denial.

c. After receiving Respondent's request, the Panel shall schedule a hearing before the Board. At least 30 days before the hearing, the Panel shall mail Respondent a notice of the violation(s) alleged by the Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

d. The Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

e. Prior to the hearing before the Board, the Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Panel

and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline.

f. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

g. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board, but shall not limit the Board's authority to impose discipline for the violation. A decision by the Panel not to seek discipline when it first learns of a violation shall not waive the Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time.

h. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including lifting of the stay on the suspension, additional conditions or limitations on Respondent's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Respondent's license.

i. Nothing herein shall limit the Review Panel's or the Board's right to seek additional discipline pursuant to Minnesota Statutes section 148B.175, subdivision 7, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein. In addition, if Respondent fails to comply with or violates this

Stipulation and Consent Order or it is determined Respondent has further violated Minnesota Statutes sections 148B.01 to 148B.39 or Minnesota Rules chapter 5300, the Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or

VII. ADDITIONAL INFORMATION

12. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate administrative contested case proceedings against Respondent on the basis of any act, conduct or omission of Respondent occurring before or after the date of this Stipulation which is not related to the facts, circumstances or requirements referenced hereinabove, nor does this Stipulation in any way limit or affect the Board's authority to seek injunctive relief or criminal sanctions against Respondent for any violation of Minnesota Statutes section 148B.32 or Minnesota Rule 5300.0350 occurring after the effective date of the Order herein.

13. This Order and the Stipulation of which it is a part shall be deemed to be a public document.

14. Respondent has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Respondent's counsel.

15. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota United States Constitutions, statutes, or rules.

16. Respondent acknowledges that she may seek the advice of legal counsel prior to executing this Stipulation.

17. This Stipulation was read in its entirety by Respondent prior to its execution; she understands all of its provisions; and she affirms that it was entered into freely and voluntarily by her.

18. Respondent hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Respondent under the Americans with Disabilities Act relative to the action taken or authorized against Respondent's application for marriage and family therapy license under this Stipulation.

19. In the event Respondent should leave Minnesota to reside or to practice outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Respondent's denial in Minnesota unless Respondent demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Respondent leaves the state, the terms of this order continue to apply unless waived in writing.

20. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

21. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

22. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are

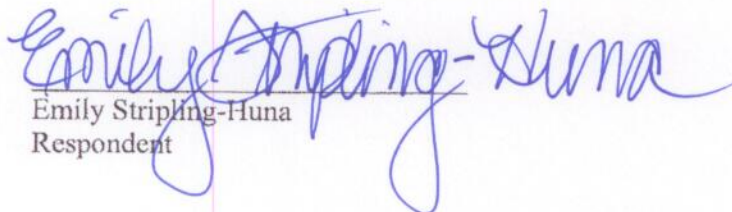
acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be as if this Stipulation and Consent Order did not exist and the parties will proceed according to Minnesota Statutes Chapters 214 and 148B, except as specified in the following paragraph.

23. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

VIII. DATA PRACTICES NOTICES

24. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

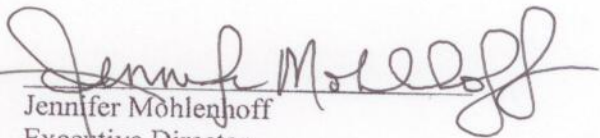
25. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.


Emily Stripling-Huna
Respondent

ORDER

Upon consideration of this stipulation and all of the files, records and proceedings herein,
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and
implemented by the Board this 17 day of January 2014.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY


Jennifer Möhlenhoff
Executive Director